

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

| | | | |
|--|---|---|-----------------------|
| Applicant's or agent's file reference fST/20040294 | FOR FURTHER ACTION | | See Form PCT/IPEA/416 |
| International application No. PCT/DE2004/001706 | International filing date (day/month/year) 30.07.2004 | Priority date (day/month/year) 30.07.2003 | |
| International Patent Classification (IPC) or national classification and IPC B65D71/00 | | | |
| Applicant KRAFT, Lothar | | | |

| |
|--|
| <p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>4</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of <u>10</u> sheets, as follows:</p> <p><input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p> <p>4. This report contains indications relating to the following items:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application |
|--|

| | |
|---|-----------------------------------|
| Date of submission of the demand | Date of completion of this report |
| Name and mailing address of the IPEA/EP | Authorized officer |
| Facsimile No. | Telephone No. |

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/DE2004/001706

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
- international search (Rule 12.3 and 23.1(b))
 - publication of the international application (Rule 12.4)
 - international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):
- the international application as originally filed/furnished
 the description:
 pages 1-19 as originally filed/furnished
 pages* _____ received by this Authority on _____
 pages* _____ received by this Authority on _____
- the claims:
 nos. _____ as originally filed/furnished
 nos.* _____ as amended (together with any statement) under Article 19
 nos.* 1-39 received by this Authority on 30.05.2005 with letter of 30.05.2005
 nos.* _____ received by this Authority on _____
- the drawings:
 sheets 1/15-15/15 as originally filed/furnished
 sheets* _____ received by this Authority on _____
 sheets* _____ received by this Authority on _____
- a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. The amendments have resulted in the cancellation of:
- the description, pages _____
 - the claims, nos. _____
 - the drawings, sheets/figs _____
 - the sequence listing (*specify*): _____
 - any table(s) related to sequence listing (*specify*): _____
4. This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- the description, pages _____
 - the claims, nos. _____
 - the drawings, sheets/figs _____
 - the sequence listing (*specify*): _____
 - any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

| | |
|-------------------------------|-------------------|
| International application No. | PCT/DE2004/001706 |
|-------------------------------|-------------------|

| | |
|-----------|---|
| Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
|-----------|---|

1. Statement

| | | | |
|-------------------------------|--------|------|-----|
| Novelty (N) | Claims | 2-39 | YES |
| | Claims | 1 | NO |
| Inventive step (IS) | Claims | | YES |
| | Claims | 1-39 | NO |
| Industrial applicability (IA) | Claims | 1-39 | YES |
| | Claims | | NO |

2. Citations and explanations (Rule 70.7)

The present application does not meet the requirements of PCT Article 33(2) because the subject matter of claim 1 is not novel.

Document US-A-2 337 197, which is considered the closest prior art, discloses (see figures 1, 2 and 4) a bottle crate having multiple apertures, which has all the features of claim 1 (see in particular the upper part 26; stabilizing panel 10 having two fold lines - see figures 2 and 3).

The features of claim 1 are also disclosed by documents US-A-2 676 731 (see figures 5 and 6; panels 4, 18), US-A-2 828 047 (see figures 1 and 4; panels 24, 86) and DE-A-299 05 401 (see figures 1-4; panel 26).

2. Insofar as claims 2-39 are understood correctly, their subject matter does not involve an inventive step within the meaning of PCT Article 33(3) because dependent claims 2-9 disclose what, in the light of the search report citations, are clearly nothing more than straightforward design measures (for direct disclosures of the features, see the search report, for example

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/DE2004/001706

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

vertical fold lines 10 in document D1 for claims 2 and 3, etc.).

The applicant's attention is drawn to the fact that the back references in a number of claims, such as claims 31 36, 37 , 38, etc., are incorrect (no panels 4, 24 in claim 1).

Consequently, these claims are not clear and hence the application does not satisfy the requirements PCT Article 6.